

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HUNT SKANSIE LAND, LLC and
RUSHTALMO LLC, Washington Limited
Liability Companies,

Plaintiffs,

vs.

THE CITY OF GIG HARBOR, A Washington
Municipal Corporation; and STEVEN AND
JANE DOE EKBERG; DEREK AND JANE
DOE YOUNG; JIM AND JANE DOE
FRANICH; PAUL AND JANE DOE CONAN;
BOB AND JANE DOE DICK; TIMOTHY AND
JANE DOE PAYNE; PAUL AND JANE DOE
KADZIK; and KEN AND JANE DOE MALICH,
All In Their Individual And Marital Capacities As
Well As Well As In Steven Ekberg's, Derek
Young's, Jim Franich's, Bob Dick's, Timothy
Payne's, Paul Conan's, Paul Kadzik's, and Ken
Malich's Capacities as Present or Former
Members of the Gig Harbor City Council,

Defendants.

Case No. C10-5027RBL

ORDER

THIS MATTER is before the Court on the Defendants' Motion to file an Over length Brief [Dkt. #41];
and Defendants' Motion to Strike [Dkt. #45] the Declaration of Jorgerson [Dkt. # 23] filed in Response to
the Defendants' Motion for Summary Judgment [Dkt. #13]. Defendants' Motion relates to a five page excess

1 related to their Reply regarding their Motion for Summary Judgment. [Dkt. #13].

2 Also at issue is a four page single spaced letter sent by Plaintiffs' counsel to the Court dated March
3 22, 2010. On its face, the letter appears to be an ex parte communication, but it has become apparent that at
4 least some of the Defendants received a copy. The letter was not Docketed on the CMECF system. It is an
5 Objection to the briefing practices the Defendants, accusing them of repeatedly filing unauthorized, untimely,
6 and over length papers, and of otherwise engaging in prejudicial and burdensome acts not in accordance with
7 the Rules.

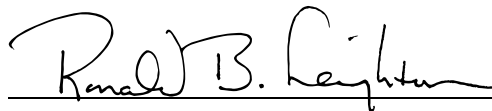
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9 As an initial matter, it is generally not appropriate to raise objections or complaints about an
10 adversary's litigation practices in a letter; that is itself a violation of the Rules. If a filing is late,
11 unauthorized, or over length, the proper remedy (if it is worth pursuing at all) is to file a Motion in the usual
12 course. The Plaintiffs' letter will be posted on CMEFC. All parties are urged to comply with the Federal and
13 Local Rules, and future failures to do so may result in sanctions. If and to the extent Plaintiff sought further
14 relief, that Request is DENIED.

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16 The Motion to File an Over Length Brief [Dkt. #41] is GRANTED. It is expected that any such
17 motions will be timely filed in the future.

18
19 The Court is aware of the evidentiary issues in the Jorgerson Dec. The Motion to Strike [Dkt. # 45]
20 is DENIED.

21 The remaining, substantive Motions, (Plaintiff's Motion to Remand [Dkt. #16] and Defendants'
22 Motion for Partial Summary Judgment [Dkt. #13], will be addressed in a separate Order(s).

23
24 Dated this 2nd day of April, 2010.

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26 

27 RONALD B. LEIGHTON
28 UNITED STATES DISTRICT JUDGE